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FACSIMILE TRANSMISSION

DATE: February 6, 2006

TO: EXAMINER SUZANNE GHERBI

FACSIMILE NO.: 571-273-8300

FROM: John G. Posa

PAGES TRANSMITTED (INCLUDING COVER SHEET): 3

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RE: SN 10/680,468

MESSAGE:

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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FEB 06 2006

In re application of: Ferrec

Serial No.: 10/680,468

Group No.: 3738

Filed: October 7, 2003

Examiner: S. Gherbi

For: ARTIFICIAL DISC AND JOINT REPLACEMENTS WITH IMPROVED KINEMATICS
AND WEARRESPONSEMail Stop AMENDMENT
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Despite the paper received by the Examiner entitled "Response to Amendment (mailed January 4, 2006)," Applicant believes that the reply filed on October 31, 2005 is fully responsive to the prior Office Action. The language of MPEP §714.02 notwithstanding, Applicant did not submit any newly-presented claims, such that further specific distinctions appear not to be required. Rather, Applicant amended independent claims 6 and 8, and withdrew claims 1-5 and 13-24. No new claims were added. In making this amendment, Applicant included into the respective independent claims, the biconvex component including a portion that extends outwardly beyond the height of the spring component, "such that pressure on the biconvex component forces the biconvex component into the spring component," (claim 6) or "such that the compressible material expands the spring component during axial loads," (claim 8). As set forth in the response to the previous Office Action, Applicant has reviewed the references of record, mainly McGuckin, Jr. and Gauchet in view of Stoy, and can find no teachings or suggestions with respect to these structures and functions. Accordingly, Applicant believes the claims are in condition for allowance.

The Examiner also cites 37 CFR §1.111 for the proposition that "further applicant must point out where support is found in the specification for any changes." Applicant has referred to this section of the rules, and cannot find the mandate cited by the Examiner. Applicant will be happy to comply with this request, but have the Examiner point out where, in the statute or the rules, such a requirement

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may be found.

Respectfully submitted,

By:

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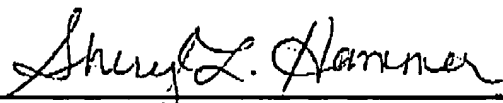
Dated: February 6, 2006

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I hereby certify that this paper is being transmitted via facsimile to the U.S. Patent and Trademark Office at 571-273-8300 on the date indicated below.

Date: Feb. 6, 2006


Sheryl L. Hammer